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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,931	09/29/2003	Goetz Baumgarten	080437.52299US	8290
23911	7590	05/09/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			RODRIGUEZ, PAMELA	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,931	BAUMGARTEN, GOETZ	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pam Rodriguez	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 February 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. The Amendment filed February 1, 2005 has been received and considered. And in light of applicant's comments regarding the objections to Claims 1 and 5, this objection has since been withdrawn.

***Drawings***

2. The drawings of Figures 1 and 3 were received on February 1, 2005. These drawings are approved by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,648,426 to Boettiger et al.

Regarding Claim 1, Boettiger et al discloses a steering booster process for a motor vehicle having a steering arrangement (see Figure 1) for the input of a set steering variable  $\delta$  by a driver, a plurality of travel sensors (see at least sensors 2, 4 and

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$v_x$ ) for detecting travel dynamic variables, a steering control system 24 configured to determine a steering control variable  $\delta_{sol}$  dependent on output variables of the travel sensors (see column 7 lines 13-22), which steering control variable  $\delta_{sol}$  overlaps the set steering variable  $\delta$  (see the abstract) and at least one further control system comprising a brake control system 25 configured to influence performance of the motor vehicle and evaluate steering control system information for stabilizing motor vehicle stability by braking individual vehicle wheels of the motor vehicle (see column 7 lines 17-21) comprising operating the at least one further control system 25 to evaluate the set steering variable  $\delta$  overlapped by the steering control variable  $\delta_{sol}$  from the steering control system (see the abstract).

Regarding Claim 2, Boettiger et al further disclose braking the individual vehicle wheels by the braking control system 25 dependent on the set steering variable  $\delta$  overlapped by the steering control variable  $\delta_{sol}$  (see column 7 lines 17-21 and the abstract).

Regarding Claim 3, Boettiger et al disclose that the set steering variable is a desired steering angle  $\delta$  and the steering control variable  $\delta_{sol}$  is a steering change angle mathematically determined depending on the desired steering angle and output values of the travel sensors.

Regarding Claim 4, Boettiger et al disclose that the set steering variable is a desired steering torque  $\delta$  (wherein the steering angle,  $\delta$ , is readable as a steering torque as well as a steering angle) and the steering control variable  $\delta_{sol}$  is an additional steering torque (wherein the steering control variable  $\delta_{sol}$  is also readable as an

additional steering torque in addition to being readable as a steering angle) which overlaps the desired steering torque by way of an overlapping transmission 28.

Regarding Claim 5, see Claim 1 above.

Regarding Claim 6, see Claim 2 above.

Regarding Claim 7, Boettiger et al disclose that the steering control system 24 is essentially a steer-by-wire system in which the set steering variable  $\delta$  is a desired steering angle and a steering change angle  $\delta_{soll}$  is mathematically determined from the desired steering angle and the output variables of the travel sensors (see also Claim 3 above).

Regarding Claim 8, see Claim 4 above, wherein the mechanical steering column is readable as element 21.

### ***Response to Arguments***

5. Applicant's arguments filed February 1, 2005 have been fully considered but they are not persuasive.

Applicant's main point of contention with the examiner's outstanding office action is that the steering and braking controllers of Boettiger et al operate independently of one another and that the braking controller of Boettiger et al does not evaluate information from the steering controller as claimed in the independent claims. The examiner respectfully disagrees.

As can be seen from the Figure 2 drawing of Boettiger et al., the steering wheel,  $\delta$ , and the command filter 23 are part of the steering control system 24. Further, the

results of the comparator 28, incorporating these variables, are then fed into the braking controller 25 as can be seen in Figure 2. Therefore, the braking controller does evaluate the steering control system information at least to this extent.

So in conjunction with applicant's claim language, Boettinger et al do disclose a brake control system 25 configured to influence performance of the motor vehicle and evaluate steering control system information as described above in order to stabilize the motor vehicle and in addition, the braking control system evaluates the set steering variable  $\delta$  via at least the establishment of the setpoint of the yaw rate which is then used to calculate the yaw point deviation which is fed into the braking control system 25 and effects the braking of the vehicle as shown in Figure 2.

It is for these reasons that the rejections have been maintained.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5 am -3:30 pm and Tuesdays 5 am -11 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pam Rodriguez  
Primary Examiner  
Art Unit 3683

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